

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 98-391 JB

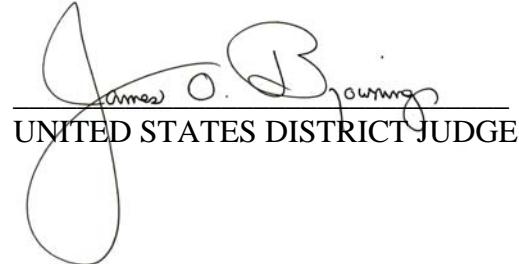
MEL LAMBERT VELARDE,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendant's Objections to Pre-Sentence Report, filed July 25, 2008 (Doc. 438). The Court held a sentencing hearing on July 29, 2008. For the reasons stated at the hearing and for further reasons consistent therewith, the Court will sustain both of Defendant Mel Lambert Velarde's objections to the Pre-Sentence Report. The Court will sustain Velarde's objection to the first standard condition of release that requires Velarde to remain in the judicial district unless he receives the permission of the Court or probation officer. The Court will also sustain Velarde's objection to the seventh requirement listed in the standard sex-offender conditions requiring him to participate in a mental health program. The Court notes that the United States Probation Officer and the United States did not oppose Velarde's second objection and Velarde's request for the Court to permit the United States Probation Office, in its discretion, to order mental-health treatment.

IT IS ORDERED that the Defendant's Objections to the Pre-Sentence Report are sustained.



James O. B. Lowry
UNITED STATES DISTRICT JUDGE

Counsel:

David C. Iglesias
Gregory J. Fouratt
United States Attorneys
J. Miles Hanisee
Glynnette R. Carson-McNabb
Presiliano Torrez
Assistant United States Attorneys
United States Attorney's Office
Albuquerque, New Mexico

Attorneys for the Plaintiff

Peter Schoenborg
Marc M. Lowry
Rothstein, Donatelli, Hughes, Dahlstrom
Schoenborg & Bienvenu, LLP
Albuquerque, New Mexico

Attorneys for the Defendant